

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA**

VOLTAGE HOLDINGS, LLC, *et al.*,

Plaintiffs,

v.

VEEPN CORPORATION *et al.*,

Defendants.

Case No.: 1:22-cv-00741

**AFFIDAVIT OF KERRY S. CULPEPPER**

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KERRY S. CULPEPPER, hereby declares under penalty of law that the following is true and correct:

1. I am an attorney and represent the Plaintiffs, I have personal knowledge of the matters stated herein, and this affidavit is given in support of Plaintiffs' Motion for a temporary restraining order, expedited discovery and leave to serve by alternative means.

2. I also represented the Plaintiffs in the actions *Voltage Holdings, LLC et al. v. DataCamp Limited et al.*, 1:21-cv-01102-LO-JFA ("DataCamp") and *Millennium Funding, Inc. et al., v. John Doe, d/b/a Popcorntime.app, et al.*, 1:21-cv-282-RDA-TCB ("Millennium") in this district.

3. In *Millennium* the Plaintiffs sued the Defendant Wicked Technology Limited d/b/a VPN.HT ("Wicked") for distributing the piracy app Popcorn Time from servers in this district and promoting its VPN service as Popcorn Time VPN for using Popcorn Time. After

Wicked found out about the lawsuit, it promptly ended its partnership with the Popcorn Time operators and notified me of this fact. Wicked later agreed to a stipulated judgment ordering it to log its end users' activities. *See Millennium*, Doc. #60. A default judgement was entered against the operators of Popcorn Time ordering their domain (popcorntime.app) be transferred to one of the Plaintiffs.

4. After the Court in *Millennium* granted a TRO ordering Google to lock the Popcorn Time domain (*see Millennium*, Doc. #16), the operators of Popcorn Time announced in a message board ("sub-reddit") on the social media platform Reddit that the app Popcorn Time would now be distributed from a new website (<https://popcorn-time.ga/build/>) and continued to promote it for piracy. I monitored this sub-reddit and noted a message stating that their new VPN partner was "VeePN".

5. I promptly contacted Stephen Bunting (who investigated Popcorn Time and the Popcorn Time VPN in *Millennium*) to investigate the latest iteration of Popcorn Time on the new website and VeePN. However, Mr. Bunting was unable to complete the investigation due to health issues. Accordingly, I contacted Eric Smith to carry out the investigation.

6. I paid for a subscription with VeePN so that Mr. Smith and I could determine which IP addresses were assigned to it, who its host providers were, and what payment sources it uses. I was able to determine that VeePN offers payment for its service by Paymentwall, Inc., PayPal and AliPay among others. When a user chooses AliPay, the payment goes to DDW Corp Limited. When a user chooses PayPal or Paymentwall, the payment goes to IT Research LLC. Below are true and accurate screenshots (except in the PayPal screenshots I have redacted some of my personal information).

/rest/payment/panel?mid=1171000042&mtid=pay\_1171000042\_2134993\_USD&amount=99.99&currency=USD

The screenshot shows a payment process for a CVS Pharmacy Digital Store. At the top, there are three steps: 'Purchase certificate', 'Redeem Paymentwall Inc./IT Research LLC certificate', and 'Receipt'. The main area is titled 'CVS PHARMACY DIGITAL STORE' with the CVS logo. It displays a balance of 0.00 USD and an outstanding amount of 99.99 USD. A payment amount of 99.99 USD is selected. Below this, there's a section to 'Enter CVS Pharmacy number' and 'Enter PIN'. A checkbox for agreeing to terms and conditions is present, along with a link to 'Openbucks terms of use'. A large blue 'Pay' button is at the bottom. To the right, a table shows the current balance and payment amount. Below the form, instructions for 'How to pay cash using gift cards:' are provided with three icons: a location pin, a gift card, and a checkmark.

How to pay cash using gift cards:

**FIND**  
Simply find the nearest sales outlet in your area.

**BUY**  
Buy one of our gift cards options.

**PAY**  
Enter the card number and PIN to complete the purchase.

Find sales outlets

United States

Contact | Currency converter | Disclaimer

7.

[Forgot email?](#)

[Next](#)

or

[Pay with Debit or Credit Card](#)

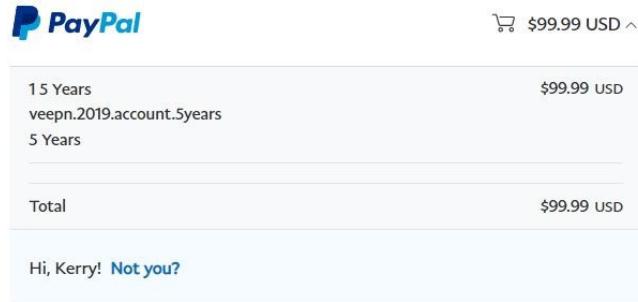
[Cancel and return to IT RESEARCH LLC](#)



[English](#) | [Français](#) | [Español](#) | [中文](#)

8.

IT RESEARCH LLC



Ship to

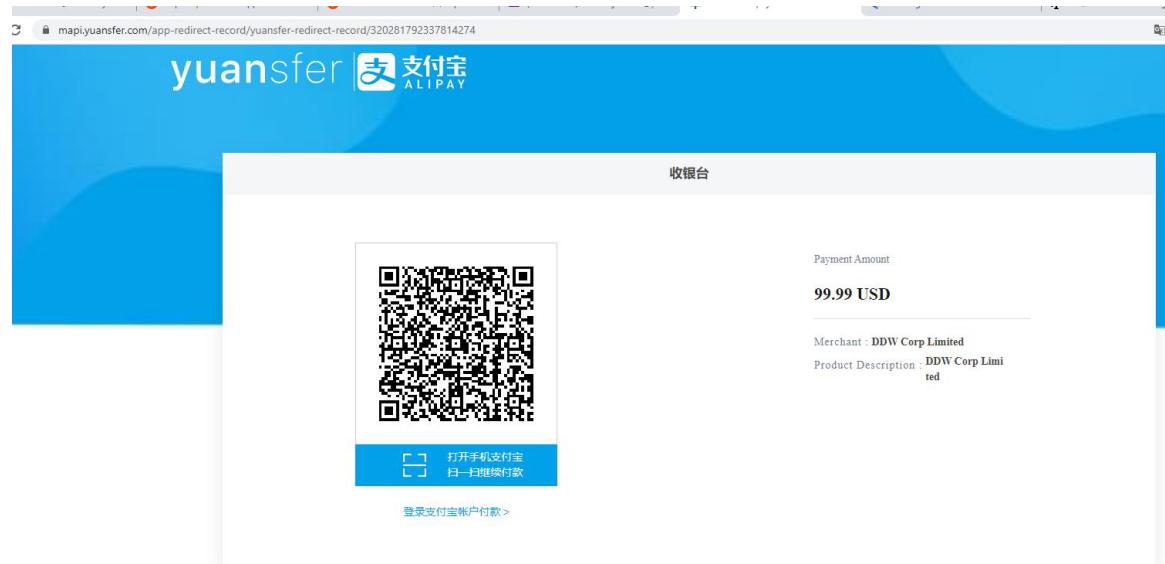
Kerry Culpepper

[Redacted]  
Change

Pay with



9.



10.

11. In *DataCamp* the Plaintiffs sued the host provider DataCamp Limited for continuing to provide services to VPN subscribers despite receiving thousands of notices of infringements from Plaintiffs' agents.

12. Zdenek Cendra and Tomas Bacik, members of the board of DataCamp, contacted me by email and telephone to discuss the allegations in *DataCamp*.

13. Tomas Bacik proposed establishing a communication channel to help me identify the VPN providers on behalf of my clients or even block a specific IP address if it got abused.

14. Zdenek Cendra, president of DataCamp, emailed me emphasizing that "The statement from Tomas is our current final position, which we will not change."

15. On Jan. 10, 2022, Tomas Bacik repeated DataCamp's proposal to agree on the communication channel to "tackle" copyright infringement in the future if I removed it from the lawsuit *DataCamp* on behalf of the Plaintiffs.

16. The Plaintiffs accepted DataCamp's proposal and dismissed *DataCamp* on Jan. 28, 2022.

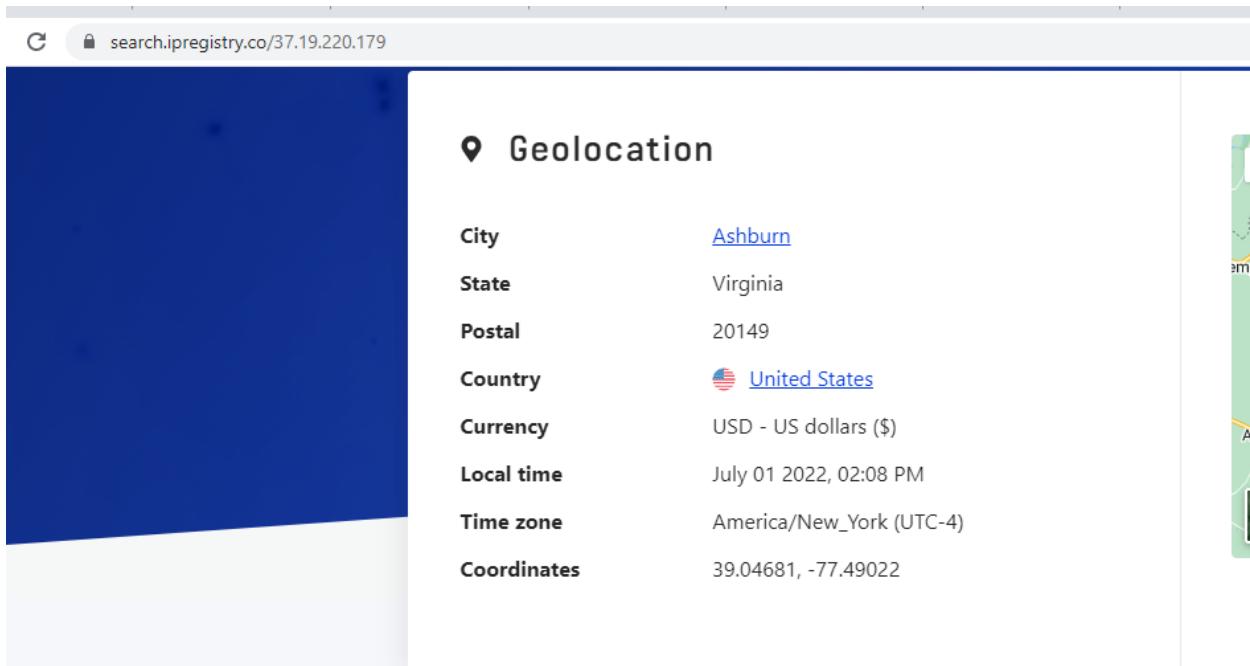
17. As discussed in his affidavit, Mr. Smith and I determined the IP addresses that were assigned to VeePN from its host providers and that some of these IP addresses were assigned from DataCamp and in this district.

18. I sent an email to DataCamp notifying them of the piracy of VeePN and IP addresses where Plaintiffs' Works were being pirated and requesting that they provide identification information for this subscriber.

19. Tomas Bacik refused to provide identities of its subscribers absent a court order in his email of May 4, 2022. I have attached as Exhibit “1” a printout of the email exchange where Mr. Bacik confuses VPN end users (which I did not request) with VPN subscriber identification information (which I did request).

20. I have experience in lawsuits with host providers such as DataCamp. For example, in *Millennium* the host provider Voxility provided identification information and payment records for its subscriber from which I was able to identify Wicked as the subscriber of the IP addresses where piracy was confirmed. Many companies give false information, so the payment records are essential to ascertain the correct identity. The payment records are also essential to determine what type of service the subscriber is purchasing. In some instances the subscriber will be another host provider that has leased servers in bulk to in turn to sublease to smaller companies. In other instances, the subscriber will be an individual that leased the server for a seedbox which is a high-bandwidth remote server for uploading and downloading of digital files from peer-to-peer networks such as BitTorrent. Accordingly, the information I am requesting in the proposed letters of request to DataCamp is essential for identifying DOES 1-100 so that I can serve them with summons of this lawsuit.

21. I have attached as Exhibit “2” a proposed Letter of Request requesting evidence for this Court’s approval to be sent to the UK authority. Exhibit “A” attached to the proposed Letter of Request is a list of the top 500 infringing DataCamp IP addresses by number of notices generated by Maverickeye UG (haftungsbeschränkt) (“MEU”). Daniel Arheidt of MEU sent this list to me. *See* Aff. of Arheidt [Doc. #1-6]. Note the IP address 37.19.220.179 is in Virginia and particularly in Ashburn, Virginia. *See* <https://search.ipregistry.co/37.19.220.179> (partial screenshot below).



### Serve by alternative means

22. I used the website domaintools.com to ascertain information concerning the websites VEEPN.COM and VEEPN.CO on June 30, 2022. Exhibits “3” and “4” are true and correct printouts of the results obtained. I have used domaintools often and find it accurate and reliable.

23. As shown in Exhibit “3”, VeePN is using CloudFlare as the Domain Name System (DNS) server at a server in Oregon and Namecheap as the domain registrar for the website VEEPN.COM. An email address for contacting registrant is ad57ccecd58b4883aa9544a9d9e31e5a.protect@withheldforprivacy.com

24. As shown in Exhibit “4”, VeePN is using Dynadot as the domain registrar for the website VEEPN.CO. Dynadot is a California company.

25. RPost generates a certificate that confirms that the email was successfully delivered to the recipient and when the recipient opened the emails. Under Court approval, I used RPost to successfully serve foreign Defendants in *42 Ventures, LLC v. Patrick Rend AKA Ivan Petrovic, et al.*, 20-cv-228-DKW-WRP in the District of Hawaii, *Fallen Productions, Inc. v. Damian Bray, et al.*, 1:20-cv-03170-PAB-NRN in the District of Colorado and *Millennium Funding, Inc., et al. v. Surfshark Ltd., et al.*, Civil Action No. 1:21-cv-00643.

**Specific facts clearly show that immediate and irreparable loss will result to the movant before the adverse party can be heard in opposition**

26. As stated in my Affidavit verifying the Complaint, VeePN uses a foreign entity in Cyprus (DDW Corp Limited) and a payment service IT Research LLC that is controlled by an individual that resides in a foreign country (Ukraine).

27. DDW Corp Limited is a private limited company registered in Cyprus and engaged in the business of writing essays and doing homework for students. See <https://writingservice.reviews/co/ddw-corp-ltd>; <https://5homework.com/> [last accessed on Jun 27, 2022] (“Your Homework Done Within Hours!”).

28. IT Research LLC is a Florida LLC whose sole member is a Ukrainian national Tetiana Horkusha who gives an address that is the same Florida address as the accounting firm that is registered agent for IT Research LLC as her address but her publicly available LinkedIn profile states that she resides in Ukraine.

29. Exhibit “5” is a true and accurate copy of records I obtained from the Florida Secretary of State, Division of Corporations office concerning IT Research LLC. Its registered agent is the accounting firm ES ACCOUNTING SERVICES INC.

30. I have experience as counsel for copyright holders enforcing judgments for *inter alia* against foreign defendants who engage in massive copyright infringement. For example, I recently obtained two writs of garnishments of the Paypal accounts of two different Vietnamese nationals in Hawaii federal court in response to publicly filed motions. In both situations, the Paypal records I received showed that the Vietnamese nationals had transferred hundreds of thousands of dollars from their Paypal accounts right around the time the motions for garnishment were publicly filed.

31. I was lead counsel for Plaintiffs in the case of *Millennium Funding, Inc. v. 1701 Mgmt. Ltd. Liab. Co.*, No. 21-cv-20862-BLOOM/Otazo-Reyes (“1701”) in the Southern District of Florida. In 1701 some of the Defendants operated a VPN service (LiquidVPN) and promoted it for piracy as “Popcorn Time VPN” similarly to the present case. *See Millennium Funding, Inc. v. 1701 Mgmt. Ltd. Liab. Co.*, No. 21-cv-20862-BLOOM/Otazo-Reyes, 2022 U.S. Dist. LEXIS 55799, at \*20 (S.D. Fla. Mar. 25, 2022). To enforce the money judgment, I served a subpoena on LiquidVPN’s payment provider PayPal. The transaction records show that after the Defendants in 1701 were served, the primary operator (Mr. Muszynski), who resides in Saint Kent and Nevis, completely abandoned the LiquidVPN business and transferred thousands of dollars out of LiquidVPN’s PayPal account and into his account in Nevis even while continuing to accept subscription payments for the defunct service.

32. In *Millennium* after the website TorrentFreak reported on Plaintiffs’ motion for temporary restraining order, the Defendant Wicked (a Hong Kong entity) withdrew the maximum possible amount from its PayPal account before PayPal preemptively froze it after getting notice of the pending motion.

33. Based upon my prior experience dealing with Defendants engaged in massive piracy similar to VeePN in the present matter, VeePN's tactics of concealing its true address and controlling companies through a Cyprus company that specializes in helping students cheat on their homework, Ms. Horkusha giving a false address in Florida to the Florida Secretary of State when she resides in Ukraine or Russia, its affiliated Cyprus company's disreputable business of doing homework for students, I believe that VeePN will transfer their funds in the US to a foreign account if I send them a copy of this motion for a TRO and let its VeePN business go defunct just like the operator of LiquidVPN did in *1701* in the Southern District of Florida.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Kailua-Kona, Hawaii, June 30, 2022.

CULPEPPER IP, LLLC

/s/ Kerry S. Culpepper  
Kerry S. Culpepper

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